

U.S. MAGISTRATE JUDGE THERESA L. FRICKE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

SAMUEL J. PETERS,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 3:20-CV-05881-TLF

ORDER FOR EAJA FEES

For the reasons set forth in the parties' stipulated motion for attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, *et seq.*, and good cause shown, IT IS HEREBY ORDERED AS FOLLOWS:

1. Plaintiff is here by awarded \$7,303.51 in fees and \$6.50 in expenses under the EAJA.

Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff has assigned his right to EAJA fees to

1 his attorney, **which he has done in this case**; (2) determines that Plaintiff does not owe
2 a debt that is subject to offset under the Treasury Offset Program, and (3) agrees to
3 waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made
4 payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury
5 Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-
6 Assignment Act, and the remaining EAJA fees after offset will be paid by a check made
7 out to Plaintiff but delivered to Plaintiff's attorney.

8 DATED this 21st day of March 2022.

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